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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,780

11/24/2003

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EXAMINER

ANTONIENKO, DEBRA L

ART UNIT

PAPER NUMBER

4194

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/720,780	Applicant(s) HODGES ET AL.	
	Examiner DEBRA ANTONIENKO	Art Unit 4194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/24/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/08/2004; 05/21/2007; 08/07/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed on November 24, 2003.
2. Claims 1-20 are currently pending.

Claim Objections

Claims 1-20 are objected to because of the following informalities: They are numbered in a format (e.g., [c01]), which is incorrect. Simple sequential numbering of the claims will suffice. Appropriate correction is required.

Information Disclosure Statement

3. The information disclosure statements (IDS) submitted on March 8, 2004; May 21, 2007; and August 7, 2007 have been considered by the Examiner.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
5. The application numbers in the specification paragraphs [0002]-[0009] (i.e., XX/XXX,XXX) are objected to as there is no mention of any numbers. The application numbers must be provided. Appropriate action is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang, U.S.

Patent Application Publication Number 2002/0146102 A1 (hereinafter referred to as

Lang) in view of English, U.S. Patent Application Publication Number 2003/0055723 A1

(hereinafter referred to as English).

Regarding Claim 1:

Lang discloses the method substantially as claimed conducting an online auction for the communications services, the online auction conducted via a distributed computing network (Figure 1; page 1, ¶0009; page 2, ¶¶0015-0017); and ... the rating indicating whether the communications services were satisfactorily provided (page 2, ¶0020; page 4, ¶0042)...

Lang does not explicitly disclose presenting a rating of the communications services, ..., the rating presented during a subsequent online auction to indicate that a future communications service will be satisfactorily provided.

However, English does disclose presenting a rating of the communications services, ..., the rating presented during a subsequent online auction to indicate that a future communications service will be satisfactorily provided (Abstract; page 5, ¶0062). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lang's method to provide the ratings of services in order for customers to make a more informed choice.

8. Claims 2-5, 8, 9, 17, and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lang, U.S. Patent Application Publication Number 2002/0146102 A1

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(hereinafter referred to as Lang) in view of Homayoun, U.S. Patent Number 5,970,121 (hereinafter referred to as Homayoun).

Regarding Claims 2, 8 and 20:

Lang discloses the method substantially as claimed bidding/receiving via an online auction to provide the communications services (Figure 1; page 1, ¶0009; page 2, ¶¶0015-0017); providing the communications services (page 7, ¶¶0068-0069).

Lang does not explicitly disclose receiving a rating of the communications services, the rating indicating whether the communications services were satisfactorily provided.

However, Homayoun does disclose receiving a rating of the communications services, the rating indicating whether the communications services were satisfactorily provided (Figures 4 and 5; column 2, lines 34-51; column 7, lines 11-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lang's method to receive ratings of services in order to monitor the services provided.

Regarding Claims 3 and 17:

Lang and Homayoun teach the limitations of Claims 2 and 8 respectively as described above.

Homayoun further teaches wherein the step of receiving the rating comprises receiving feedback regarding a recipient of the communications services, the feedback indicating whether the recipient was satisfied with the communications services (Figures 4 and 5; column 2, lines 34-51; column 7, lines 11-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to receive ratings of services in order to monitor the services provided.

Regarding Claim 4:

Lang and Homayoun teach the limitations of Claim 2 as described above.

Homayoun further teaches wherein the step of receiving the rating comprises receiving the rating from a client communications device associated with a user of the communications services (column 7, lines 12-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to receive ratings of services from a client communications device in order to provide convenient and timely ratings.

Regarding Claim 5:

Lang and Homayoun teach the limitations of Claim 2 as described above.

Lang further teaches communicating a recipient rating regarding a recipient of the communications services, the recipient rating indicating whether the recipient satisfactorily paid for the communications services (page 2, ¶0021; page 6, ¶0061).

Regarding Claim 9:

Lang and Homayoun teach the limitations of Claim 8 as described above.

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Lang further teaches auctioning a block of time of usage (page 1, ¶¶0012); page 2, ¶¶0015-0017).

9. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang, U.S. Patent Application Publication Number 2002/0146102 A1 (hereinafter referred to as Lang) in view of Homayoun, U.S. Patent Number 5,970,121 (hereinafter referred to as Homayoun) and further in view of English, U.S. Patent Application Publication Number 2003/0055723 A1 (hereinafter referred to as English).

Regarding Claims 6 and 18:

Lang and Homayoun teach the limitations of Claims 2 and 8 respectively as described above.

Lang and Homayoun do not explicitly disclose presenting the rating during a future online auction, wherein the rating is used to indicate that future communications services will be satisfactorily provided.

English further teaches presenting the rating during a future online auction, wherein the rating is used to indicate that future communications services will be satisfactorily provided (Abstract; page 5, ¶0062). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to provide the ratings of services in order for customers to make a more informed choice.

10. Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang, U.S. Patent Application Publication Number 2002/0146102 A1 (hereinafter referred to as Lang) in view of Homayoun, U.S. Patent Number 5,970,121 (hereinafter referred to as Homayoun) and further in view of Kato, U.S. Patent Application Publication Number 2002/0112060 A1 (hereinafter referred to as Kato).

Regarding Claim 7 and 19:

Lang and Homayoun teach the limitations of Claims 2 and 8 respectively as described above.

Lang and Homayoun do not explicitly disclose wherein the step of providing the communications services comprises:

- i) receiving a first data stream comprising packets of data packetized according to a packet protocol,
- ii) segmenting the first data stream into segments,
- iii) dispersing the segments via a communications network for subsequent processing services,
- iv) receiving results of the processing services,
- v) aggregating the results of the processing services into a second data stream, and

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vi) communicating the second data stream via the communications network.

However, Kato does disclose wherein the step of providing the communications services comprises:

i) receiving a first data stream comprising packets of data packetized according to a packet protocol (page 4, ¶0069),

ii) segmenting the first data stream into segments (page 4, ¶0069),

iii) dispersing the segments via a communications network for subsequent processing services (page 4, ¶0059 and ¶0069),

iv) receiving results of the processing services (page 4, ¶0059 and ¶¶0067-0069),

v) aggregating the results of the processing services into a second data stream (page 4, ¶0059 and ¶¶0067-0069), and

vi) communicating the second data stream via the communications network (page 4, ¶0059 and ¶¶0067-0069).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to use packet protocol, segmentation, and aggregation in order to provide efficient service.

11. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lang, U.S. Patent Application Publication Number 2002/0146102 A1 (hereinafter

referred to as Lang) in view of Homayoun, U.S. Patent Number 5,970,121 (hereinafter

referred to as Homayoun) and further in view of Snelgrove, U.S. Patent Number

6,535,592 B1 (hereinafter referred to as Snelgrove).

Regarding Claim 10:

Lang and Homayoun teach the limitations of Claim 9 as described above.

Lang and Homayoun do not explicitly disclose wherein the block of time comprises at least one of i) a maximum data transfer rate and ii) a minimum data transfer rate.

However, Snelgrove does disclose wherein the block of time comprises at least one of i) a maximum data transfer rate and ii) a minimum data transfer rate (column 6, lines 42-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to use minimum data transfer rate in order for customers to make a more informed choice.

Regarding Claim 11:

Lang and Homayoun teach the limitations of Claim 8 as described above.

Snelgrove further discloses wherein the block of time may be shared between multiple recipients of the communications services (column 5, lines 41-43 and lines 61-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer sharing in order to provide convenience to the customer.

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Regarding Claim 12:

Lang and Homayoun teach the limitations of Claim 8 as described above.

Snelgrove further discloses wherein the block of time may be shared between multiple telephone numbers (column 6, lines 55-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer sharing in order to provide convenience to the customer.

Regarding Claim 13:

Lang and Homayoun teach the limitations of Claim 8 as described above.

Snelgrove further discloses wherein the block of time may be shared between multiple client communications devices (column 6, lines 55-60; column 7, lines 1-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer sharing in order to provide convenience to the customer.

Regarding Claim 14:

Lang and Homayoun teach the limitations of Claim 8 as described above.

Snelgrove further discloses wherein the block of time may be shared between multiple client communications devices associated with multiple users (column 6, lines 55-60; column 7, lines 1-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer sharing in order to provide convenience to the customer.

Regarding Claim 15:

Lang and Homayoun teach the limitations of Claim 8 as described above.

Snelgrove further discloses negotiating with a group of recipients for the communications services, the group comprising recipients willing to pay for the communications services and recipients unwilling to pay for the communications services, wherein the recipients willing to pay for the communications services are permitted to sponsor the recipients unwilling to pay for the communications services (column 5, lines 3-5; column 7, lines 16-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer alternative payment plans in order to provide convenience to the customer.

Regarding Claim 16:

Lang and Homayoun teach the limitations of Claim 15 as described above.

Snelgrove further discloses wherein the step of providing the communications services comprises providing the communications services to both recipients willing to pay for the communications services and recipients unwilling to pay for the communications services (column 5, lines 3-5; column 7, lines 16-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer alternative payment plans in order to provide convenience to the customer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBRA ANTONIENKO whose telephone number is (571)270-3601. The examiner can normally be reached on Monday through Thursday, 6:30 AM to 5:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Debra Antonienko/
Examiner, Art Unit 4194
03/03/2008

/Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 4194